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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/501,082	07/09/2004	Yasushi Katayama	254519US6PCT	3119

22850 7590 04/14/2008

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EXAMINER
MUSA, ABDELNABI O

ART UNIT	PAPER NUMBER
2146	

NOTIFICATION DATE	DELIVERY MODE
04/14/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/501,082	KATAYAMA, YASUSHI	
	Examiner	Art Unit	
	ABDELNABI O. MUSA	2146	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 November 2002*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *9-27* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *9-26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *09 July 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. The instant application having Application No. 10/501082 has a total of 19 claims pending in the application; there are 3 independent claims and 16 dependent claims, all of which are ready for examination by the examiner.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/8/2008 has been entered.

Priority

3. As required by **M.P.E.P. 201.14(c)**, acknowledgement is made of applicant's claim for priority based on applications filed on 11/26/2002

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claim 27 recite a "computer program product containing instruction executable by a computer." This subject matter is not limited to that which falls within a statutory category of

invention because it is not limited to a process, machine, manufacture, or a composition of matter. A computer program is not clearly a series of steps or acts to constitute a process, not a mechanical device or combination of mechanical devices to constitute a machine, not a tangible physical article or object which is some form of matter to be a product and constitute a manufacture, and not a composition of two or more substances to constitute a composition of matter.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claim(s) 9-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abe et al. Pub. No (US. 2002/0069408 A1) and in view of Freed et al. Patent No. (US 7,073,055 B1).

As per **claim 9** Abe teaches an information processing apparatus comprising:

a data reception unit (355);

a rule decision processing unit (22) configured to determine whether data processing (44) based on a data processing request (S470,413) received via the data reception unit (355) is to be executed (a rule decision processing unit as to whether the entry should be processed according to the output table in FIG.15 [0172] [0205] FIG.19); and

a data processing unit (44) configured to execute data processing based on the determination of the rule decision processing unit (22) (a data processing unit configured to process information [0274] [0316] [0258] FIG.25), wherein

the rule decision processing unit (22) is configured to execute determination processing for determining whether or not the processing according to the processing request is (S470) to be executed based on a rule deciding condition (22) descriptor (the decision processing unit determines whether or not the commercial messages should be processed [0172] [0206] FIG.19), and the rule deciding condition descriptor (information descriptors [0367] [0387] [0389]) is determined based on a probability (103) value (processing information based on a commercial messages probability value extracted form database [0247] [0258] FIG.23). Abe does not teach the *specifics* on processing information determined by the rule decision unit from the data processing unit to the data reception unit in servers or computer networks. However, Freed teaches the communication data in computer networks especially in remote server to process, execute and configure data communications (Col.1, Line5; Col.4, line 10; FIG.1, FIG.5)

It would have been obvious to a person having ordinary skilled in the art at the time the invention was made to have modified Abe by the teaching of Freed, one would have to implement a rule decision condition (i.e. judgment unit, router or any processor that distinguish data destinations), a reception/transmission units in communications with computer networks/servers to process information.

Claim 10 (Canceled).

As per **claim 11** Abe teaches the information processing apparatus according to claim 9, wherein:

said rule deciding condition (22) descriptor (information descriptors [0367] [0387] [0389]) is included in a data processing (44) request (S470,413); and

said rule decision processing unit (22) is configured to generate a random number (206) (information transmission reception system comprising transmission means for generating and sending out a transmission signal [0008][0017] FIG.26), and to execute determining processing for determining whether or not the processing according to a processing request is to be executed based on a comparison (204) between the generated random number (206) and said rule deciding condition (22) descriptor (information descriptors [0367] [0387] [0389]) but does not teach the *specifics* on generating a random number for the rule decision processing unit to determine the data destination. However, Freed teaches a random number chosen used to associate messages and responses between a client and a server (Table-1 FIG.1 Col.4, line 10)

It would have been obvious to a person having ordinary skilled in the art at the time the invention was made to have modified Abe by the teaching of Freed, because one would have to implement a rule decision condition (i.e. judgment unit, router or any processor that distinguish data destinations), a reception/transmission units in communications with computer networks/servers to process information. The rule decision condition unit would have to generate a number to associate messages to be forwarded to the intended recipient

As per **claim 12** Abe teaches the information processing apparatus according to claim 9, wherein:

said rule deciding condition (22) descriptor (information descriptors [0367] [0387] [0389]) is included in a data processing (44) request (413); and

said rule decision processing unit (22) is configured to perform hash value calculation (20) processing based on the data processing request (S470,413) storing data (103,11), and to execute determining processing (44)for determining whether or not the processing according to a processing request is to be executed based on a comparison between a calculated hash value and a setting value set in its own apparatus in advance (comparing pre-set signal with generated signal [0008] [0013] FIG.33) but does not teach the *specifics* on performing hash value calculation processing. However, Freed teaches the processing method uses hash functions for creating and verifying a digital signature (Col.14, line 61; Col.20, Line 55 FIG.1)

It would have been obvious to a person having ordinary skilled in the art at the time the invention was made to have modified Abe by the teaching of Freed, because one would have to implement a rule decision condition (i.e. judgment unit, router or any processor that distinguish data destinations), a reception/transmission units in communications with computer networks/servers to process information. The rule decision condition unit would have to perform a hash function value calculation to determine the execution of data based on the hash result.

Claims 13-20 (Canceled).

As per **claim 21** Abe teaches a data processing method for analyzing a data processing request received via a data reception unit, and for determining whether the data processing request is to be executed, comprising:

a rule decision processing step (22) for determining whether data processing (44) based on the data processing request (S470) is to be executed (a rule decision processing unit as to whether the entry should be processed according to the output table in FIG.15 [0172] [0205] FIG.19); and

a data processing (44) step for executing data processing based on the determination of the rule decision processing step (a data processing unit configured to process information [0274] [0316] [0258] FIG.25), wherein

the rule decision processing step determines whether or not the processing according to the processing request is to be executed based on a rule deciding condition descriptor (the decision processing unit determines whether or not the commercial messages should be processed [0172] [0206] FIG.19), and the rule deciding condition descriptor is determined based on a probability value (processing information based on a commercial messages probability value extracted form database [0247] [0258] FIG.23). Abe does not teach the *specifics* on processing information determined by the rule decision unit from the data processing unit to the data reception unit in servers or computer networks. However, Freed teaches the communication data in computer networks especially in remote server to process, execute and configure data communications (Col.1, Line5; Col.4, line 10; FIG.1, FIG.5)

It would have been obvious to a person having ordinary skilled in the art at the time the invention was made to have modified Abe by the teaching of Freed, one would have to implement a rule decision condition (i.e. judgment unit, router or any processor that distinguish data destinations), a reception/transmission units in communications with computer networks/servers to process information.

Claim 22 (Canceled).

As per **claim 23** Abe teaches the data processing method according to claim 21, wherein:

said rule deciding condition descriptor is included in the data processing request (information transmission reception system comprising transmission means for generating and sending out a transmission signal [0008][0017] FIG.26); and

said rule decision processing step generates a random number and determines whether or not the processing according to the processing request is to be executed based on a comparison between the generated random number and the said rule deciding condition descriptor (information descriptors [0367] [0387] [0389]) but does not teach the *specifics* on generating a random number for the rule decision processing unit to determine the data destination. However, Freed teaches a random number chosen used to associate messages and responses between a client and a server (Table-1 FIG.1 Col.4, line 10)

It would have been obvious to a person having ordinary skilled in the art at the time the invention was made to have modified Abe by the teaching of Freed, because one would have to

implement a rule decision condition (i.e. judgment unit, router or any processor that distinguish data destinations), a reception/transmission units in communications with computer networks/servers to process information. The rule decision condition unit would have to generate a number to associate messages to be forwarded to the intended recipient

As per **claim 24** Abe teaches the data processing method according to claim 21, wherein:

said rule deciding condition (22) descriptor information descriptors [0367] [0387] [0389]) is included in the data processing request (413); and

said rule decision processing step executes hash value calculation processing (44) based on the data processing request storing data, and determines whether or not processing according to the processing request is to be executed based on a comparison between a calculated hash value and a setting value set in its own apparatus in advance (comparing pre-set signal with generated signal [0008] [0013] FIG.33) but does not teach the *specifics* on performing hash value calculation processing. However, Freed teaches the processing method uses hash functions for creating and verifying a digital signature (Col.14, line 61; Col.20, Line 55 FIG.1)

It would have been obvious to a person having ordinary skilled in the art at the time the invention was made to have modified Abe by the teaching of Freed, because one would have to implement a rule decision condition (i.e. judgment unit, router or any processor that distinguish data destinations), a reception/transmission units in communications with computer networks/servers to process information. The rule

decision condition unit would have to perform a hash function value calculation to determine the execution of data based on the hash result.

Claim 25-26 (Canceled)

As per **claim 9** Abe teaches a computer program for analyzing a data processing request received via a data reception unit, and for determining whether the data processing request is to be executed, comprising:

a rule decision processing (22) step for determining whether the data processing (44) based on the data processing request (S470) is to be executed; and

a data processing (44) step for executing the data processing based on the determination of the rule decision processing step (a rule decision processing unit as to whether the entry should be processed according to the output table in FIG.15 [0172] [0205] FIG.19), wherein

the rule decision processing step determines whether or not the processing according to the processing request is to be executed based on a rule deciding condition descriptor (the decision processing unit determines whether or not the commercial messages should be processed [0172] [0206] FIG.19), and the rule deciding condition descriptor is determined based on a probability value (information descriptors [0367] [0387] [0389]) is determined based on a probability (103) value (processing information based on a commercial messages probability value extracted form database [0247] [0258] FIG.23). Abe does not teach the *specifics* on processing information determined by the rule decision unit from the data processing unit to the data reception unit in servers or computer networks. However, Freed teaches the communication

data in computer networks especially in remote server to process, execute and configure data communications (Col.1, Line5; Col.4, line 10; FIG.1, FIG.5)

It would have been obvious to a person having ordinary skilled in the art at the time the invention was made to have modified Abe by the teaching of Freed, one would have to implement a rule decision condition (i.e. judgment unit, router or any processor that distinguish data destinations), a reception/transmission units in communications with computer networks/servers to process information.

Response to Amendment

6. Applicant's arguments with respect to the above presented claims have been considered but are moot in view of the new ground(s) of rejection.

Prior Art

7. The following prior art from the updated search made of record and not relied upon:

- Okamoto et al. Pub. No. (US 2003/0061165 A1)
- Takamine et al. Pub. No. (US 2005/0198566 A1)

Conclusion

8. When responding to this office action, Applicant is advised to clearly point out the patentable novelty which he or she thinks the claims present, in view of the state of the art disclosed by the references cited or the objections made. He or she must also show how the amendments avoid such references or objections See 37 CFR 1.111(c).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Abdelnabi O. Musa whose telephone number is 571-2701901. The examiner can normally be reached on Monday thru Friday: 7:30am to 5:00pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Pwu can be reached on 571-2726798. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A.M

/Jeffrey Pwu/
Supervisory Patent Examiner, Art Unit 2146